

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

ROBERT H. AYLOR, JR., On Behalf of Himself and All Others Similarly Situated, x  
:

Plaintiff,

**VS.**

XYBERNAUT CORPORATION, EDWARD G. :  
 NEWMAN, STEVEN A. NEWMAN, M.D., and :  
 THOMAS D. DAVIS, :

Defendants.

**[Caption continues on next page]**

**NOTICE OF WITHDRAWAL OF THE MOTION OF THE JAMES GROUP FOR  
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL  
OF SELECTION OF LEAD COUNSEL**

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**

Seth D. Rigrodsky (#3147)  
Ralph N. Sianni (#4151)  
919 N. Market Street, Suite 411  
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--and--

**MILBERG WEISS BERSHAD  
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**HOLMAN LAW OFFICE**

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***Plaintiff's Counsel***

Dated: July 5, 2005

STULL, STULL &amp; BRODY

Jules Brody  
Aaron Brody  
Tzivia Brody  
6 East 45<sup>th</sup> Street  
New York, New York 10017  
Telephone: (212) 687-7230

***Proposed Lead Counsel***

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MOSHE TAL, On Behalf of Himself and All  
Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D., and  
THOMAS D. DAVIS,

Defendants.

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MICHAEL FEHRENBACHER, Individually and  
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, M.D. STEVEN A. NEWMAN and  
THOMAS D. DAVIS,

Defendants.

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JEFFREY M. JASKOL and STACEY J. JASKOL,  
Individually and On Behalf of All Others Similarly  
Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D., and  
THOMAS D. DAVIS,

Defendants.

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Case No. 1:05-cv-00242 (SLR)

Case No. 1:05-cv-00256 (SLR)

Case No. 1:05-cv-00268 (SLR)

JOSEPH DANIEL WAUHOP, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D.,  
THOMAS D. DAVIS, JOHN F. MOYNAHAN  
and GRANT THORNTON LLP,

Defendants.

Case No. 1:05-cv-00310 (SLR)

[CHRISTINA W. DONNELLY, JOHN  
DONNELLY, JAMES G. WILLIAMSON and  
RICHARD W. DEARBORN, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, THOMAS  
D. DAVIS and BRUCE C. HAYDEN,

Defendants.

Case No. 1:05-cv-00334 (JJF)

CHARLES W. SMITH, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

Case No. 1:05-cv-00354 (SLR)

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, THOMAS  
D. DAVIS, BRUCE C. HAYDEN and GRANT  
THORNTON LLP,

Defendants.

x

PLEASE TAKE NOTICE that lead plaintiff movants Kenneth James, La Rocca Pietro, Michael A. Farmakis, David S. Pennington, and Christina Donnelly (collectively, the “James Group” or “Movant”) hereby withdraw their Lead Plaintiff/Lead Counsel motion. The James Group members do not, however, by this withdrawal, waive their right to participate and recover as class members or shareholders in this or any litigation. The James Group members reserve the right to intervene and seek appointment as Lead Plaintiff or class representative should it appear that the Court appointed lead plaintiff is not performing its duties to the class.

DATED: July 5, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**

By: /s/ Ralph N. Sianni  
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***Plaintiff's Counsel***